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13
                    UNITED STATES DISTRICT COURT
14
                  NORTHERN DISTRICT OF CALIFORNIA
15
                        SAN JOSE DIVISION
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   KINDERSTART.COM, LLC, a California   )   CASE NO.: C 06-2057 JF (RS)
18 limited liability company, on behalf of itself and   )
   all others similarly situated,   )   **DEFENDANT GOOGLE INC.'S**
19   )   **OPPOSITION TO KINDERSTART'S**
                  Plaintiffs,   )   **MISCELLANEOUS**
20   )   **ADMINISTRATIVE REQUEST**
         v.   )   **UNDER L.R. 7-11 TO EXCEED**
21   )   **PAGE LENGTH OF MOTION FOR**
   GOOGLE INC., a Delaware corporation,   )   **PRELIMINARY INJUNCTION**
22   )   **FILED MAY 26, 2006**
                  Defendant.   )
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GOOGLE'S OPP'N TO KINDERSTART'S MISC.
ADMIN. REQUEST TO EXCEED THE PAGE LIMIT
Case No. 06-2057 JF (RS)

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OPPOSITION TO MOTION FOR ADMINISTRATIVE RELIEF

2   Pursuant to Civil L.R. 7-11(b), defendant Google Inc. ("Google") hereby submits this

3 opposition to plaintiff KinderStart.com LLC's ("KinderStart") Motion for Administrative Relief

4 to Exceed Page Length of Motion for Preliminary Injunction Filed May 26, 2006 (Doc. No. 19).

5 Google opposes KinderStart's request for three reasons.

6   First, the request is untimely. If KinderStart wished to file a brief in excess of the page

7 limit required by Civil L.R. 7-2(b), it should have secured such relief *before* filing a brief in

8 contravention of the Local Rules. Indeed, plaintiff's counsel acknowledges that KinderStart

9 planned to file its preliminary injunction motion as early as May 2, 2006. Google should not be

10 put to the burden of responding to an oversized brief solely on KinderStart's whim.

11   Second, the request is procedurally improper. Civil L.R. 7-11(a) requires a Motion for

12 Administrative Relief to be accompanied "by either a stipulation under Civil L.R. 7-12 or by a

13 declaration that explains why a stipulation could not be obtained." KinderStart's motion is not

14 supported by a stipulation or a declaration.

15   Third, the request is substantively flawed. KinderStart has not made a showing that a

16 departure from the Local Rules is necessary to support its preliminary injunction motion which

17 rests on allegations that Google, a private actor, has violated KinderStart's First Amendment

18 rights. Google's previously filed Motion to Dismiss addressed this First Amendment claim in

19 less than five pages, and dealt with all nine of KinderStart's claims for relief within the 25-page

20 limit of Civil L.R. 7-2(b).[1]

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27   [1] Contrary to KinderStart's assertion, Google's Motion to Dismiss did not exceed the 25 page
limit of Civil L.R. 7-2(b) because tables preceding the motion are not included when calculating
28 the length of a motion.

GOOGLE'S OPP'N TO KINDERSTART'S MISC.   -1-
ADMIN. REQUEST TO EXCEED THE PAGE LIMIT
Case No. 06-2057 JF (RS)

1   For these reasons, Google respectfully requests that the Court deny KinderStart's Motion

2   for Administrative Relief to exceed the applicable page limit and strike KinderStart's oversized

3   brief.

4   Dated: June 2, 2006   WILSON SONSINI GOODRICH & ROSATI
                                                            Professional Corporation
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6   By: /s/ David H. Kramer
                                                                 David H. Kramer
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                                                            Attorneys for Defendant
8   Google Inc.

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